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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,302	04/11/2006	Michael Rosenbauer	2003P01482WOUS	6776

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1711

NOTIFICATION DATE	DELIVERY MODE
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12/14/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/575,302	ROSENBAUER ET AL.	
	Examiner	Art Unit	
	JASON HECKERT	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/11/06 have been fully considered but they are not persuasive.
2. In regards to claims 11 and 21, Favaro teaches program controller 9, the first limitation of said claims. Favaro goes on to disclose an optical display device having means for producing a light beam 5 which can be an LED. This light is directed onto a display surface 11, in the form of a window, which is viewable by the user. Thus, Favaro teaches the second limitation of said claims. Favaro also teaches a color filter 12 arranged between the light source 5 and the window 11. Thus, the filter is located behind the display surface relative to the beam path of light. Favaro discloses each and every limitation of said claims. Therefore, the rejection under 35 USC 102(b) is maintained.
3. Examiner maintains that fiber optical cable reads on the claimed light-shaft. Nowhere in the disclosure does the applicant disclose the shaft as being "semi-spherical". Furthermore, based on the applicant's disclosure, the examiner has no reason to believe that the light-shaft is anything more than short fiber optic cable, as it possesses the same features of fiber optic cable – directly and reflecting light toward a display surface. If the shape of the cable or "shaft" is unique, then the applicant should present evidence of unexpected or unpredictable results. Otherwise, examiner reminds the applicant that: Changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966).

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4. Lastly, there appears to be some confusion on the location of the filter discs. The examiner interprets the location of Favaro's filter disc as "behind" the display surface, as the surface is the front of the machine. But even if the applicant insists that "behind" means on the exterior of the display surface, such a feature is not considered to be patentable. One of ordinary skill realizes that placing a color filter at the exterior surface of a display will produce the function of further modulating the perceived color of the light. Absent a showing of unexpected or unpredictable results, such a modification is considered to be unpatentable, especially in view of the current state of the art of Favaro and the other cited references.

Claim Rejections - 35 USC § 112

5. Claim 23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure does not recite the light shaft as being "semi-spherical".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claim 11, 14, 18-20 rejected under 35 U.S.C. 102(b) as being anticipated by Favaro (EP 1332708). Favaro discloses a display panel for a home appliance containing program control, including dishwashers. The device includes a lamp 5 which can be an LED (col 3 line 20 - 25). Also disclosed is a light conducting means in for the form of a fiber optic cable 7 readable on light shaft. The lamp is oriented to focus the light and reflect it towards a transparent display surface 11. Located in between the lamp and the surface is an automatic color filter 12, capable of selecting various sections 15 by a motor 12. Thus, the subject matter of claims 11, 14, 18-20 are fully anticipated by Favaro.

8. Claim 11, 14-16 rejected under 35 U.S.C. 102(b) as being anticipated by Kawaguchi (US 5,243,453). Kawaguchi discloses a control panel for washing machines, of which dishwashers are a subset, comprising automatic program control. The panel includes a liquid crystal display board 15, a light source 80, and a color filter 77 disposed therebetween. Glass substrate 69 and polarizing plates 78 read on a transparent surface. The liquid crystal display includes a number of segments having transparency and electrodes that can have voltages applied across them (see figure 14). This is conventional LCD functionality. The LCD is controlled in an electronic manner.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over

Favaro in view of the admitted state of the art (ASA) OR Nonogaki (US 5,279,134).

Favaro teaches an automatically exchangeable color filter disk, but does not disclose an additional non-exchangeable color filter. The inclusion of a such a device is not considered to be patentable. As stated in the admitted state of the art, the prior art required different light means for the reproduction of different colors. Thus, it is understood that the prior art used multiple lamps with non-exchangeable color filters to represent different colors. Many elements read on color filter such as colored bulbs or sheets of colored plastic or glass, which are conventional in the art for providing colored light. Also, Nonogaki discloses a display portion with a singular portion 7 that is individually colored, as opposed to exchangeable. Non-exchangeable filters as well as exchangeable color filters are considered to be conventional. Including an additional filter requires nothing more than routine skill and provides the predictable result of filtering color. Duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). It would have been obvious at the time of invention to modify Favaro and include an additional color filter that is stationary, as is known in the prior art and provides expected results.

11. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro in view of Detterbeck (UK 2186109). Favaro discloses the exchangeable color filter and display surface, but does not disclose a mask. Detterbeck discloses an exchangeable

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mask system for creating symbols on a control panel (see abstract). It would have been obvious at the time of invention to modify Favaro and include an exchangeable mask system, as taught by Detterbeck, with the predictable result of creating symbols on a control panel.

12. Claim 21-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro. Favaro discloses a display panel for a home appliance containing program control, including dishwashers. The device includes a lamp 5 which can be an LED (col 3 line 20 - 25). Also disclosed is a light conducting means in for the form of a fiber optic cable 7 readable on light shaft. The lamp is oriented to focus the light and reflect it towards a transparent display surface 11. Located in between the lamp and the surface is an automatic color filter 12, capable of selecting various sections 15 by a motor 12. Favaro does not teach locating a color filter outside of the window. However, duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). Including a second filter disc is nothing more than a duplication of a previously disclosed part, which continues to perform its intended function - modifying color. Furthermore, locating it downstream of the window continues to perform its intended function - modifying color. Absent a showing of unexpected or unpredictable results, such modifications are considered to be routine and well within the skill of one practicing the art. It would have been obvious to one of ordinary skill at the time of invention to modify Favaro, and

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include multiple color filters, as they are routinely used to modify the color of the light output.

13. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro in view of Gyu Lee. Favaro does not teach a semi-spherical light shaft. Such shafts are known in the art. Gyu Lee teaches a semi-spherical light shaft 414 to direct light through to an output of a display device. It would have been obvious at the time of invention to modify Favaro in view of Gyu Lee, and in include a semi-spherical shaft in order to direct the light toward the display.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1711

JMH